

Pan Am 103: Terrorism Whitewash?

Libya is Culpable, but Did Syria Really Take a 'Bum Rap' as Bush Says?

By Steven Emerson

HOURS AFTER the Justice Department announced the indictment of two Libyan intelligence operatives for the bombing of Pan Am 103, President Bush seized the opportunity to exonerate the Syrian government from culpability in the terrorist act. At a photo session with Hispanic Americans at the White House, Bush said, "A lot of people thought it was the Syrians. The Syrians took a bum rap on this."

Did they? The Libyans clearly are culpable, but the questions remains, to what degree is Syria innocent? Libyan involvement was traced through a terrorist cell operating in Malta. But there was another such terrorist group operating in Europe at the exact same time, this one connected to Syria. Like the Libyan group, it targeted Pan Am planes. Like the Libyan group, it used Toshiba cassette recorders as bombs. Like the Libyan group, it used Malta as a staging base. The Syrian group and the Libyan group both used the same plastic explosive. Both are known to have collaborated with one another in the past. At a minimum, these are striking coincidences. But the bulk of the investigation up to this point suggests that these were not coincidences at all.

And if the president was truly aggrieved at the unfairness of the charges of complicity that had been leveled against Syria for its role in the bombing of Pan Am 103, why didn't he rise as indignantly to Iran's defense? After all, for 18 months after the December 1989 bombing, Iran as well as Syria was fingered by investigators and intelligence agencies as being responsible for the bombing.

The evidence against Libya collected by investigators and prosecutors in the United States and Great Britain is indeed overwhelming. The Pan Am 103 investigation is by far the most comprehensive and me-

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ticulous criminal investigation ever conducted. Hundreds of investigators from both sides of the Atlantic spent the better part of three years tirelessly working on this case—conducting nearly 20,000 interviews in more than 100 countries and tracking down nearly every potential lead, no matter how bizarre or difficult to chase.

But the final decision to accuse Libya exclusively also rests on non-forensic and non-evidentiary judgments, including assumptions made on the basis of political analysis. Once the accumulated weight of forensic evidence began shifting towards Libya as the culprit, investigators say they began shifting their collection of evidence—and their interpretation of it—to fit the Libyan thesis.

One official who firmly believes that Libya was the sole culprit conceded last week that "logic and political analysis always affect interpretations—it helps determine how you reconfigure the pieces of the puzzle." Another intelligence official familiar with the evidence said last week that a case can still be made that Syria and Iran had a hand in the bombing.

What is that case? It is important to remember that the final determination that Libya had been exclusively responsible for the Pan Am 103 bombing represented a dramatic reversal in the initial thinking of investigators. Indeed, U.S. and British officials originally concluded that Iran had decided to bomb Pan Am 103 in retaliation for the shooting down of an Iranian airliner in July 1988 in the Persian Gulf by a U.S. Navy guided-missile cruiser.

The investigators further concluded that Iran had turned to Ahmed Jabril, a Syria-based terrorist who had already established a network of terrorists in Europe and was known for his ability to devise high-tech airplane bombs. Intelligence officials knew that Jabril wanted to diversify his base of support beyond Syria, and had traveled to Iran in the fall of 1988 offering his services to Tehran on a "freelance" basis.

Jabril's operatives in Germany established safehouses and imported the parts for airplane bombs. But in late October, following an intensive surveillance operation named "Autumn Leaves," German police rounded up more than a dozen suspects

believed to be Jabril operatives. In possession was a Toshiba radio-cassette recorder full of Semtex explosives equipped with a barometric triggering device designed to be placed aboard an airplane. Investigators quickly found that Jabril cells had targeted U.S. and Iranian airplanes. Over the next six months, many officials stumbled across three bombs that had been assembled by Jabril operatives. Surveillance tape evidence showed that one bomb was missing—that was that bomb that was presumed to have blown up Pan Am 103.

In the year after the bombing of Pan Am 103, U.S. intelligence picked up damning clues pointing to Jabril and his network. This included: a vow of revenge by Iranian officials for the downing of the Iranian plane in July; Iran's electronic transfer of money to a Jabril bank account in Vienna; a visit by Jabril to Tehran in early 1989; a series of meetings with Iranian officials; another series of meetings between Jabril's operatives and Iranian officials in the Fula Valley; the discovery of previously unknown travels in the fall of 1988 by Syrian officials to Germany to oversee Jabril's operation; documented travel by Jabril operatives to Malta, also in the fall of 1988; and the subsequent positive identification of Jabril's operatives.



PETER HOEY—THE WASHINGTON POST

Who Won in Romania?

ROMANIA. From C1

government." That was almost two years

it of, ah, close to a hundred million year." The profits accrued to an unnamed corporation and were transferred, Stancu believes, to bank accounts "in Switzerland, in Liechtenstein, in wherever." He said, "We were only engaged to these

fication of a Jabril operative's visit to a Maltese store where the clothes in the suitcase containing the Pan Am 103 bomb were purchased.

But two developments relatively late in the investigation shifted attention to Libyan involvement:

- The retrieval in the middle of 1990 of a microchip piece from the bomb's timer and its identification as part of a batch of timers bought by Libyan intelligence operatives in 1989 and subsequently intercepted by police in Senegal and Togo;

- The confession of a Libyan operative arrested by the Congolese police in 1990, who—after "rigorous interrogation" (one source said "he won't be needing a manicure for awhile")—provided details of a top-level meeting supposedly held in September 1988 in Tripoli, Libya to plot the downing of several French and American airplanes.

The Congolese police turned over their findings to the French who in turn provided the information to British and American investigators. Two men were traced to Libyan Arab Airlines working out of Malta; these were the men indicted Thursday.

When the microchip was retrieved and identified as of Libyan origin, however, the investigators did not initially exonerate Jabril. Instead they hypothesized that after Jabril's operatives were arrested by the Germans, Jabril handed off the operation to Libyan agents with whom he had collaborated on previous acts of international terrorism. In effect, Jabril, fearful that his own organization had been penetrated by hostile intelligence services, had ended up subcontracting the operation to Libya.

The Syrian hypothesis remained active among investigators until sometime last year, when top Justice Department officials deemed Libya the sole party responsible for the downing of Pan Am 103. In support of the Libyan connection was the later discovery that fuses found in the possession of Jabril's operatives were barometric, while the fuse used in the bomb to blow up Pan Am 103 apparently was digital.

Despite this new evidence, Vincent M. Cannistraro, former chief of the CIA's counter-terrorism section, does not believe that Libyans were solely responsible. Though he left government in 1990, he still believes the evidence points to a "hand-off from Jabril to Libya" in the fall of 1988. And, according to intelligence officials familiar with the evidence, there is virtually no information on the activities of the two indicted Libyans during a crucial period. The indictment acknowledges the investi-

gators' absence of any definitive knowledge about the whereabouts of the two Libyans from the "fall of 1988" until December 7, 1988.

One official admitted that this unexplained gap in the known activities of the Libyans raises the question of whether there was collaboration with other terrorist groups. Finally, say intelligence officials, there is evidence that Libya distributed some of the digital bomb timers it initially acquired in 1985 to other Middle East terrorist groups, including Jabril's group. This raises the possibility that the Jabril operatives in Germany had assembled one bomb with a digital timer—the one that German police knew existed but could never find. This conflicting evidence, say intelligence officials, led to an active debate within certain quarters of the intelligence community over the past three months about whether to disregard all evidence of Syrian or Iranian involvement in Pan Am 103.

The unequivocal statement on Thursday by senior State Department spokesman Richard Boucher that "this was a Libyan government operation from start to finish," coupled with the president's singular defense of Syria, inevitably raises questions whether political considerations entered the investigatory process.

The United States currently needs Syrian cooperation in the peace talks with Israel, and Syrian officials have recently told U.S. officials that they will not attend any peace talks in Washington as long as they are on the State Department's list of countries supporting international terrorism.

Bush's protestations notwithstanding, Syria is far from an innocent party: The incontrovertible fact that Syria-based terrorists failed to blow up an American plane in the fall of 1988 does not make them an aggrieved party. Moreover, the State Department acknowledges that Damascus continues to host and sponsor international terrorist groups. Department officials privately confirmed the attempt in September by Syrian-based terrorists arrested in Egypt to blow up an American ship in the Suez Canal. The same group had also targeted a tourist cruise boat.

At the very least, the president's rush to exonerate Ahmed Jabril and Syria all but guarantees that investigators will stop looking for any Syrian or Iranian involvement. Thus, rather than truly being "ongoing" as a senior Justice Department official characterized it Thursday, the Pan Am investigation is now effectively finished.

subject question at a press conference last month, Magureanu said, "But I agree that before everything we have to clarify the events of December 1989."

The "events"—in all of the formerly

the Securitate, though in recent years a dissident to one degree or another), was attacked in his apartment in Geneva by two hooded men wielding razors. One of the men spoke Romanian: the other didn't speak at all

whole lot of use or excessive use of primary use' of compelled testimony." It prohibits "any use, direct or indirect." Thus, even the use of

from the start, and though they may not regret the course that was taken, they now know with certainty that his warnings were justified.

Post W/17/91

The Lockerbie Indictments

IT IS A major development and a welcome one that American and British prosecutors have brought criminal charges against two Libyan intelligence operatives in the bombing of Pan Am 103 over Lockerbie, Scotland, in 1988 with the loss of 270 lives. The indictments resulted from a prodigious investigation of the physical evidence, the key element being discovery of fragments of a Swiss-made timer and of clothes that were determined to be in a suitcase with the bomb. No doubt Moammar Gadhafi is not soon going to allow extradition of the two suspects. But a process has been set in motion to deal with this terrible crime through the law and, if he flouts the process, to deal otherwise with his regime.

The indictments quickly met challenge in some American quarters. Earlier media reports, attributed to intelligence findings about groups and governments inclined to terrorism, had suggested that a Palestinian group harbored by Syria and hired by Iran had committed this atrocity. Are American officials now focusing on Libya partly to take the heat off Palestinians and Syrians, whose cooperation is sought in the regional peace talks, and also off Iran, whose cooperation is sought to free American hostages in Lebanon? That is the question being asked and, in some cases, the outright assertion being made.

It's not possible to put that issue to rest now. But it's necessary to note that there is a qualita-

tive difference between hard information that will stand up in court and the sort of intelligence information and inferences from past conduct that are common coin in the political arena. In this case, the Justice Department carefully offers "an indictment based on evidence we have to date" and holds open the possibility of more evidence to come.

Clearly, the United States and Britain think Moammar Gadhafi did it. On a previous occasion when the United States felt sure (without court evidence) that he had sponsored terrorism, it sent warplanes against him. The new indictments convey the unpalatable thought that the retaliation, rather than cowing the Libyan leader, fired him up for revenge.

The Bush administration says "all options" are open. It's consulting with friendly governments about further measures of international isolation of Libya, economic sanctions, including a boycott of Libyan oil, and military reprisal. It has the demanding task of not simply punishing an outlaw and deterring others but of ensuring the public safety at the same time. But meanwhile, it is essential for authorities to pursue the Lockerbie investigation further, no matter where it goes—in particular, to keep exploring those other involvements that many people think are being dealt with too casually or even covered up.

Homeless and Mentally Ill

THE DISTRICT'S mental health office claims that it has counselors at homeless shelters around the city to help those who are mentally ill. City officials also say that they have provided guidance to shelter providers on coping with people who have mental disabilities and that they have responded to crisis calls for people who are unable to care for themselves. But it is painfully evident that the services that do exist are insufficient to meet the needs of the homeless mentally ill.

It is estimated that 2,400 to 3,100 of the homeless people in this city are in need of mental health services, and only 1,300 of them use shelter facilities. The rest are among those seen suffering on the streets every day and night.

In the 1960s, federal legislation shifted much of mental health care from state hospitals to the "least restrictive setting." There was supposed to be for this a system of community-based facilities, but it really did not exist. In the 1970s, court cases went further in enlarging the rights of the mentally ill, leading nearly every state to prohibit the involuntary commitment of people to

hospitals unless they presented an imminent danger to themselves or to others.

But as the ranks of the homeless swelled around the nation with former mental patients or those who, in former times, would have been sent to hospitals, some states decided that the pendulum had swung too far. At least 14 states have altered their civil commitment laws, or are considering changes, to allow temporary involuntary commitments, as a last resort, when a person is "gravely disabled" or exhibits "a severe deterioration in routine functioning."

Perhaps it is time to study the impact of the District's civil commitment law with an eye toward similar changes. More of the District's resources for mental health care could be devoted to those in the streets. The District government and the legal advocates for the city's mentally ill are also working on another consent agreement that might improve the D.C. mental health system. The current system is not working, the evidence is seen on the streets every day, and changes are in order.